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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

REPLY TO THE ATTENTION OF:

April 15, 1993

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Carl Borr Color Company
5653 South Kedzie
Chicago, IL 60627

Re: **SPECIAL NOTICE OF LIABILITY**
American Chemical Services Site
Griffith, Indiana

Dear Sir or Madam:

The United States Environmental Protection Agency (U.S. EPA) has undertaken response actions at the American Chemical Services Superfund Site in Griffith, Indiana (the Site), pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 42 U.S.C. Section 9601 et seq., as amended by the Superfund Amendments and Reauthorization Act of 1986, Public Law 99-499 (CERCLA). These actions, which include the implementation of a Remedial Investigation (RI) and Feasibility Study (FS), have documented the release or threatened release of hazardous substances, pollutants, and contaminants at the Site. The RI/FS was issued to the public in June 1992 and, in accordance with the requirements of Section 104(b) of CERCLA, the Remedial Investigation (RI) Report describes the U.S. EPA's findings on the nature and extent of contamination at the Site. The Feasibility Study (FS) Report has considered alternatives necessary to address the conditions at the Site. These documents have been released for public inspection and comment and are available in the Administrative Record at the Griffith Public Library at 940 N. Broad Street and the Griffith Town Hall at 111 N. Broad Street in Griffith, Indiana. The documents are also available at U.S. EPA's Region V offices, located at 77 West Jackson Boulevard in Chicago, Illinois.

Proposed Plan/Record of Decision

Along with the FS Report, the U.S. EPA, in cooperation with the Indiana Department of Environmental Management, issued a

Proposed Plan which recommended the appropriate extent of remedial action at the American Chemical Services Site. The Proposed Plan was released for 30 days of public comment on June 30, 1992. The public comment period was subsequently extended an additional 30 days, to August 28, 1992. After expiration of the public comment period and consideration of all comments received, the Regional Administrator issued a Record of Decision (ROD) selecting the appropriate remedial action for the Site. The Declaration for the Record of Decision is appended as Attachment A.

Additional Response Actions

The U.S. EPA is currently planning to conduct the following additional response activities at the Site:

- (1) Design and implementation of the remedial action selected and approved by the U.S. EPA, in consultation with the Indiana Department of Environmental Management (IDEM), for the Site; and
- (2) Provision of any monitoring, operation, and maintenance necessary at the Site after the remedial action is completed.

In addition to those further response actions enumerated above, the U.S. EPA may, pursuant to its authorities under CERCLA and other laws, determine that other clean-up activities are necessary to protect public health, welfare and the environment.

Unless the U.S. EPA determines that a potentially responsible party (PRP) will voluntarily undertake the remedial action necessary at the Site, the U.S. EPA may, under Section 104 of CERCLA, undertake the remedial action itself and, under Section 107 of CERCLA, seek reimbursement from PRPs of all costs incurred in connection with the action taken. Such costs may include, but are not limited to, expenditures for investigation, planning, response and enforcement activities. Moreover, under Section 106 of CERCLA, the U.S. EPA may order responsible parties to implement relief actions deemed necessary by the U.S. EPA to protect the public health, welfare or environment from an imminent and substantial endangerment because of an actual or threatened release of a hazardous substance from a Facility.

PRP Determination

Potentially responsible parties (PRPs) under Section 107 of CERCLA include current owners and operators of the Site and former owners and operators of the Site at the time of disposal of hazardous substances, as well as persons who owned or

possessed hazardous substances and arranged for disposal, treatment, or transportation of such hazardous substances and persons who accepted hazardous substances for transportation for disposal or treatment to a facility selected by such transporter. The U.S. EPA has information indicating that you are a PRP with respect to the Site. The sources of this information for PRPs generally at the Site are briefly summarized in Paragraph 1 of Attachment B to this letter. By this letter, the U.S. EPA notifies you of your potential liability with regard to this matter and encourages you, as a PRP, to reimburse the U.S. EPA for its costs incurred to date and to voluntarily perform or finance the response activities that the U.S. EPA has determined or will determine are required at the Site.

Special Notice

Pursuant to Section 122(e)(1) of CERCLA, the U.S. EPA has determined that a period of negotiation may facilitate an agreement with you and other American Chemical Services (ACS) Superfund Site PRPs. Upon your receipt of this Special Notice, you will have a maximum of 60 days to coordinate with any PRPs and to present to the U.S. EPA a "good faith offer" for implementing and conducting the remedial action required in the Record of Decision. In accordance with the requirements of Section 122(e)(2), during this 60-day moratorium, the U.S. EPA will not commence remedial action at the Site. The U.S. EPA may, however, commence any additional studies or investigations authorized under Section 104(b), including remedial design, during this negotiation period. If the U.S. EPA receives from the ACS PRPs within the 60 day calendar period a written "good faith offer" which demonstrates the PRPs' qualifications and willingness to conduct or finance the remedial design and remedial action (RD/RA) consistent with the Record of Decision (ROD), the U.S. EPA may extend its moratorium on commencement of the remedial action work up to an additional 60 calendar days. The purpose of this additional time is to allow the PRPs and the U.S. EPA a period of time to finalize the settlement.

Good Faith Offer

A "good faith offer" for RD/RA shall include the following:

- * a statement of the PRPs' willingness to conduct or finance the RD/RA which provides a sufficient basis for further negotiations in light of U.S. EPA's ROD;
- * a detailed "statement of work" or "workplan" identifying how the PRPs plan to proceed with the work;
- * a demonstration of the PRPs' technical capability to undertake the RD/RA, including the firm they expect will

conduct the work or the process undertaken to select a firm;

* a demonstration of the PRPs' capability to finance the RD/RA;

* a statement of the PRPs' willingness to reimburse U.S. EPA for past response and oversight costs; and

* the name, address, and phone number of the party or steering committee who will represent the PRPs in negotiations.

If a "good faith" proposal is not received within the initial 60-day moratorium, the U.S. EPA, pursuant to Section 122(e)(4), may proceed to immediately undertake such further action as is authorized by law, including implementation of the remedial action utilizing public funds available to the Agency.

Demand for Costs Incurred

As mentioned above, in accordance with CERCLA and other authorities, the U.S. EPA has already undertaken certain actions and incurred certain costs in response to conditions at the Site. These response actions are summarized in Paragraph 2 of Attachment B to this letter. The cost to date of the response actions performed through U.S. EPA funding at the Site is approximately stated in Paragraph 3 of Attachment B. The Agency anticipates expending additional funds for response activities at the Site under the authority of CERCLA and other laws. In accordance with Section 107(a) of CERCLA, demand is hereby made for payment of the amount specified in Paragraph 3 of Attachment B plus any and all interest authorized to be recovered under Section 107(a) or under any other provisions of law. Demand is also hereby made under these authorities for payment of interest on all future costs that the U.S. EPA may accrue in regard to the Site.

PRP List

To assist the PRPs in negotiating with the U.S. EPA concerning this matter, the U.S. EPA is providing a list of the names and addresses of any other PRPs to whom this notification is being sent. This list is appended as Attachment C to this letter. It should be noted that inclusion on or exclusion from the list does not constitute a final determination by the Agency concerning the liability of any party for remediation of Site conditions or payment of past costs. Information regarding a ranking by volume and nature of substances contributed by each PRP, as contemplated by Section 122(e)(4)(A), is also available (see Attachment C).

Initial Conference

To further facilitate your and any other PRPs' ability to present a "good faith offer" within the 60-day time limit, an initial settlement conference will be held. An agenda indicating the time, place, and topics for discussion is appended as Attachment D.

120 Day Deadline

Except in extraordinary circumstances explained in a written request, no extension to the second 60-day moratorium period will be granted by the U.S. EPA. As stated above, if no agreement can be reached, pursuant to Section 122(e)(4), the U.S. EPA may immediately proceed to undertake such further action as authorized by law to implement the remedial action at the Site.

U.S. EPA Notification

As a potentially responsible party, you should notify the U.S. EPA in writing within 15 days of receipt of this letter of your willingness to participate in negotiations to perform or finance the activities described above. Your response should also notify U.S. EPA of whether you plan to attend the initial meeting, which will be held in Chicago on April 28 (see attachment D). If the U.S. EPA does not receive a timely response, the U.S. EPA will assume that you do not wish to negotiate a resolution of your potential responsibility in connection with the Site and that you have declined any involvement in performing the response activities.

The response should indicate the appropriate names, addresses, and telephone numbers for further contact with you. If you are already involved in discussions with state or local authorities, engaged in voluntary clean-up action or involved in a lawsuit regarding this Site, you should continue such activities as you see fit. This letter is not intended to advise or direct you to restrict or discontinue any such activities; however, you are advised to report the status of those discussions or actions in the response to this letter and to provide a copy of the response to any other parties involved in those discussions or actions. The response letter should be sent to a U.S. EPA contractor, at the following address:

Ms. Yvonna Jackson
DPRA, Inc.
53 West Jackson Boulevard
Suite 1102
Chicago, Illinois 60604

Natural Resource Trustee Notification

By a copy of this letter, the U.S. EPA is notifying the State of Indiana and the Natural Resources Trustees, in accordance with Section 122(j) of CERCLA, of its intent to enter into negotiations concerning the implementation of remedial action at the Site, and is also encouraging them to consider participation in such negotiations.

Further Information

If you need further information regarding this letter, you may contact Wayne Hartwick of the Remedial Response Branch at (312) 886-7067. If you would like a copy of the Draft Consent Decree, Record of Decision, Draft Statement of Work, an itemized cost summary, or a summary of Pre-1975 ACS customers, you may contact Deena Sheppard of the Program Management Branch at (312) 886-7048. If you have an attorney handling your legal matters, please direct his or her questions to Steven Siegel of the Office of Regional Counsel, U.S. EPA, Region V, at (312) 353-1129 or Steve Mason, at (312) 886-6831.

If you have not already done so, the U.S. EPA strongly encourages you to take immediate steps to organize into a Committee or Committees to negotiate an agreement with the U.S. EPA to undertake the remedial actions at the Site. We hope that you will give this matter your immediate attention.

Sincerely yours,



Richard C. Karl, Chief
Illinois/Indiana Remedial Response Branch

Enclosures

cc (Letter and all Attachments):
Sheila Huff, DOI
Richard C. Nelson, US F&W
Pamela Carter, IOAG
Robert Moran, IDEM
Greta Hawvermale, IDEM
Gary Doxtater, IDNR

UNITED STATES OF AMERICA
ENVIRONMENTAL PROTECTION AGENCY

REGION V

230 SOUTH DEARBORN
CHICAGO, IL 60604

OFFICIAL BUSINESS
PENALTY FOR PRIVATE USE, \$300

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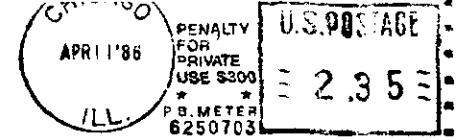
DATE

4-14-86
1ST NOTICE

2ND NOTICE

RETURN

Detached from
PS Form 3849-A
Oct. 1980



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MNF

~~CARL GORR CELOR CO.
5653 S. REDZIE
CHICAGO IL 60627~~

